

## ATTORNEY'S DOCKET NO.: 2001180-0077 (HU 2060-02 US NATL) IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant

Schreiber, et al

Examiner

NYA

Serial No.

10/649,532

Art Unit

NYA

Filed

August 27, 2003

For

DIHYDROPYRANCARBOXAMIDES AND USES THEREOF

Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1459

Sir:

## TRANSMITTAL LETTER

Enclosed please find the following documents regarding the above-referenced patent application:

- 1. Statement Filed Pursuant to the Duty of Disclosure Under 37 CFR §§ 1.56, 1.97 and 1.98 (5 pp);.
- 2. Form PTO-1449 (4 pp.);
- 3. Cited Art (<u>55</u> references); and
- 4. Return postcard.

Please charge any additional fees or credit any overpayments to our Deposit Account No. 03-1721.

Dated: October \_28\_\_, 2003

Nadège M. Lagneau, Ph.D.

Respectfully submitted,

Reg. No. 51,908

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents,

P.O. Box 1450, Alexandria, VA 22313 on October 29.2003

> Attorney Docket No.: 2001180-0077 Client Reference: HU 2060-02 US NATL

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Applicant Serial No. Filed For	: : :	Schreiber, et al 10/649,532 August 27, 2003 DIHYDROPYRANCARBO	Examiner Art Unit XAMIDES	:	NYA NYA ES THEREOF		
Commissione P. O. Box 14: Alexandria, V Sir:	50			with the Unite an envelope P.O. Box 1450 on	that this correspondence is being deposited d States Postal Service as first class mail in addressed to: Commissioner For Patents, Alexandria, VA 22313  Hoher 29, 2003  athur Hart-gaguon		
Pursu	Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicant						
requests cons	ideratio	n of this Information Disclosu	re Statemen	nt.			
Type of State	ment						
The p	resent I	nformation Disclosure Stateme	ent is:		"		
[X]	An original Information Disclosure Statement; or						
[]	A supplemental Information Disclosure Statement.						
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		nformation Disclosure Statem					
[ X ]	Pursua	ant to 37 CFR § 1.97(b); no fe	e or certific	ation is re	quired:		
	[X]	Within three months of the f	iling date of	f a nationa	l application other than		
		a continued prosecution app	lication und	er § 1.53(d	);		
	[]	Within three months of the d	late of entry	of the nat	ional stage as set forth		
		in § 1.491 in an international	application	•			

continued examination under § 1.114.

Before the mailing of a first Office action on the merits; or

Before the mailing of a first Office action after the filing of a request for

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[]	Pursuant to 37 CFR § 1.97(c) after the dates listed above but before the mailing					
	date of any of a final action under § 1.113, a notice of allowance under § 1.3					
	an act	ion that	otherwise closes prosecution in the application; Applicant hereby			
	either	•				
	[]	Certif	ies that <i>either</i> :			
		[]	each item of information contained in the information disclosure			
			statement was first cited in any communication from a foreign			
			patent office in a counterpart foreign application not more than			
			three months prior to the filing of the information disclosure			
			statement; or			
		[]	That no item of information contained in the information			
			disclosure statement was cited in a communication from a foreign			
			patent office in a counterpart foreign application, and, to the			
			knowledge of the person signing the certification after making			
			reasonable inquiry, no item of information contained in the			
			information disclosure statement was known to any individual			
			designated in § 1.56(c) more than three months prior to the filing of			
			the information disclosure statement.; or			
	[]	Includ	es herewith the fee set forth in § 1.17(p).			
]	Pursua	ant to 37	7 CFR § 1.97(d), after the mailing date of any of a final action under			
	§ 1.113, a notice of allowance under § 1.311, or an action that otherwise closes					
	prosec	cution in	the application; Applicant hereby both:			
	[]	Certifi	les that either:			

- each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
- [ ] That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.; and

#### Content of the Information Disclosure Statement

Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

Applicant includes copies of references as indicated below:

- [X] A copy of each cited reference not indicated with an asterisk is included;
- Copies of references indicated with an asterisk on the attached form PTO-1449 are not included pursuant to 37 CFR § 1.98(d) because they were previously provided to the United States Patent Office in an Information Disclosure

  Statement that complies with 37 CFR § 1.98(a)-(c) and was submitted in the

Attorney Docket No.: 2001180-0077 Client Reference No.: HU 2060-02 US NATL following patent application that is relied upon in the present case for an earlier effective filing date under 35 USC § 120:

Serial Number	Filing Date	Status

[ ] Copies of English translations of one or more non-English references are included.

Applicant hereby makes the following additional information of record in the aboveidentified application:

Applicant certifies that the Information Disclosure Statement either:

Γ -	]	Does not	contain	non-English	language	citations
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[ ] Does contain non-English language citations, of which the following is a concise explanation:

[ ] Includes one or more translations of a non-English citation.

## Remarks

The submission of this Information Disclosure Statement should not be construed as a representation that a search has been made.

The submission of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b).

The submission of this Information Disclosure Statement shall not be construed as a representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Attorney Docket No.: 2001180-0077 Client Reference No.: HU 2060-02 US NATL It is respectfully requested that:

- 1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
- 2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited patent(s) and publication(s) has (have) been fully considered by the Patent and Trademark Office during the examination of this application; and
- 3. The citations for the patent(s) and publication(s) be printed on any patent which issues from this application.

Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

Respectfully submitted,

Nadége M. Lagneau, Ph.D.

Reg. No. 51,908

Dated: October <u>28</u>, 2003

PATENT GROUP CHOATE, HALL & STEWART Exchange Place 53 State Street Boston, Massachusetts 02109

Tel: (617) 248-5000 Fax: (617) 248-4000

Form PTO-1449 (RE 883)	9 U.S. Depa Patent and	Atty. Docket: 2001180-0077 (HU 2060-02 US NATL)	In re Application No. 10/649,532				
ON 3 MES	INFORMATION DISCLOSURE STATI	Applicant: Schreiber et al.					
David Control	eral sheets if necessary)	Filing Date: August 27, 2003	Group:				
U. S. PATENT I	DOCUMENTS						
Examiner's Initials	U.S. Patent No.	Applicant	Issue Date	Class	Subclass		
U.S. PATENT A	APPLICATIONS						
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FOREIGN PAT	ENT DOCUMENTS						
Examiner's	Country &	Name	Publication Date	Translation			
Initials	Document No.	TAUTHO	1 donoution Date	Yes	No		
Examiner's Initials							
	Akiyama et al., "Genistein, a Specific Inhibitor of Tyrosine-specific Protein Kinases" J. Biol. Chem., (1987) 262:5592-5595.						
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Resolution <sup>1</sup>H NMR Spectra of Solid-Phase-Synthesis Resins" J. Org. Chem., (1996) 61:1558-

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Using Conventional High-Resolution, Magic-Angle-Spinning, and High-Resolution Magic-

1559.

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**EXAMINER** 

**DATE CONSIDERED** 

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Zou et al., "Solid Phase Asymmetric Synthesis of Isoxazolines" J. Comb. Chem., (1999) 2:6-7.